

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337)	WT Docket No. 99-87
Of the Communications Act of 1934, as amended)	
)	
Promotion of Spectrum Efficient Technologies)	RM-9332
On Certain Part 90 Frequencies)	

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

The Association of American Railroads ("AAR"), by its undersigned counsel, hereby opposes the Petition for Reconsideration filed in the above-captioned proceeding by American Mobile Telecommunications Association ("AMTA"), Industrial Telecommunications Association ("ITA") and PCIA-The Wireless Infrastructure Association ("PCIA"), hereafter called the "Joint Petitioners." Public notice of the Petition was published in the Federal Register on September 10, 2003.^{1/} In support of this Opposition, the following is shown:

In their Petition, the Joint Petitioners asked the Commission to reconsider the January 1, 2013 deadline adopted in the Second Report and Order in the above-captioned proceeding, FCC 03-34, released February 25, 2003 (hereafter "Second Report and Order"),^{2/} for the conversion of all non-public safety land mobile operations in the 150-174 MHz and 421-512 MHz bands to equipment operating at no more than 12.5 kHz bandwidth, and to adopt instead

^{1/} 68 Fed. Reg. 53377, September 10, 2003.

^{2/} AAR also filed a Petition for Reconsideration of Second Report and Order, as well as a Petition for Stay, concerning certain interim deadlines governing the conversion to 12.5 kHz narrowband equipment.

a deadline of January 1, 2008. AAR believes the Commission should retain the original deadline of January 1, 2013.

I. Statement of AAR's Interest

AAR is a voluntary non-profit membership organization whose freight members generate approximately 94% of the total operating revenues of all freight railroads in the U.S., operate 77% of the total line haul mileage, and employ 91% of all freight railroad workers. In addition, Amtrak, the nation's principal intercity passenger railroad, is a member of AAR, as are numerous regional and short line railroads. AAR has been certified by the Commission as the exclusive frequency coordinator for the land mobile frequencies used by the railroad industry for dispatcher-to-train links, onboard communications, train-to-train communications, automatic train control systems and other industry-specific uses of spectrum.^{3/}

II. Argument

As the Commission is well aware,⁴ the railroad industry has undertaken extensive planning and expenditures to accomplish a coordinated, industry-wide conversion to

^{3/} See Frequency Coordination in the Private Land Mobile Radio Services, *Report & Order*, 103 FCC 2d 1093, ¶ 94 (1986); Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services, *Second Report and Order*, 12 FCC Rcd 14307, 14324, 14330 (1997) ("*Second Report & Order*"), and *Second Memorandum Opinion and Order*, 14 FCC Rcd 8642, 8646-47 (1999) ("*Second Memorandum Opinion & Order*"); Waiver of the Commission's Rules to License Use of Six Conventional 900 MHz Frequency Pairs for Advanced Train Control System, *Order*, 3 FCC Rcd 427 (PRB 1988); and Modification of Licenses for Use in Positive Train Control Systems, *Order*, 16 FCC Rcd 3078 (WTB 2001).

⁴ See, e.g., briefings on December 12, 2000 and November 27, 2001, presented by AAR to the staff of the Wireless Telecommunications Bureau concerning the narrowband channel plan adopted by the rail industry in April 2000 and deployment the narrowband trunking pilot

narrowband technology. After thorough review and analysis of the potential impact of the Second Report and Order on the industry's present transition plans, AAR's members have reached the conclusion that the final migration deadline of January 1, 2013, is acceptable and workable for the railroad industry.⁵

The size, geographic scope and complexity of the railroad industry's mobile radio operations dictate that a longer transition time, not a shorter one, be available for converting the present wideband system to narrowband. There are four principal factors that cause the railroad industry to require more time, not less, to accomplish the transition to narrowband: (1) there is a huge quantity of radios in service in the rail industry (over 15,000 base stations nationwide, over 45,000 mobile radios (including locomotive radios), and more than 125,000 portables); (2) this equipment must be interoperable among all railroads, and therefore, for conversion purposes, must be treated as a single interoperable nationwide network; (3) railroads operate 24 hours a day, seven days a week; and (4) the migration from wideband to narrowband by the U.S. railroads must be integrated and coordinated with a parallel transition by the Canadian railroads, which share a common channel plan. These factors will require that the transition occur gradually, over an extended period of time, during which the old wideband and new narrowband radios will have to be deployed carefully in such a way as to not affect either existing train operations or railroad safety. It is the considered opinion of

project sponsored by Oregon Department of Transportation (ODOT) and U.S. Department of Transportation; Comments of AAR in response to FCC Public Notice, DA 02-361 ("Current and Future Spectrum Use by the Energy, Water and Railroad Industries"), filed March 6, 2002, Attachment A at pages 15-18; and AAR Opposition filed in RM No. 10687 (Informal Request for Frequency Coordinator Certification), filed April 23, 2003, at 8-9.

AAR's member railroads that the deadline recommended by the Joint Petitioners (January 1, 2008) simply will not afford the railroad industry sufficient time to accomplish the transition in a safe and effective manner.

III. Conclusion

For the foregoing reasons, AAR respectfully requests the Commission to deny the Petition for Reconsideration filed by the Joint Petitioners and to retain January 1, 2013 as the final conversion deadline for non-public safety land mobile operations.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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Date: September 25, 2003

5 However, as explained in AAR's Petition for Reconsideration, the railroads believe very strongly that the three interim deadlines in 2004, 2005 and 2008 are unnecessary and will complicate, not facilitate, the railroad industry's migration to 12.5 kHz equipment.


Certificate of Service

The undersigned hereby certifies that a copy of the foregoing "Opposition to Petition for Reconsideration was served by U.S. First Class mail, postage prepaid, this 25th day of September, 2003, to the following persons:

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A handwritten signature in cursive script, reading "Sharon J. Keller", written over a horizontal line.